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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,725	05/17/2006	Marco Bencivenni	20545-0506	5697
23486 7590 04/29/2011 SHUTTLEWORTH & INGERSOLL, P.L.C. 115 3RD STREET SE, SUITE 500 P.O. BOX 2107 CEDAR RAPIDS, IA 52406				
EXAMINER NGUYEN, PHU HOANG				
ART UNIT 1747		PAPER NUMBER		
NOTIFICATION DATE 04/29/2011		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/579,725

Applicant(s)

BENCIVENNI ET AL.

Examiner

PHU H. NGUYEN

Art Unit

1747

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 01 February 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-9 and 13 is/are rejected.
- 7) ☒ Claim(s) 10-12 and 14-28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-945)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Andrews et al. (U.S Patent No. 5284164).

Regarding claim 1, Andrews discloses a system for monitoring and controlling a line manufacturing tobacco products, comprising a plurality of devices and units connected by way of a common interface network to a respective master control unit ((see fig. 1 and column 4, lines 10-24), characterized in that it comprises an auxiliary inspection unit associated with the manufacturing line, connected to the network and serving to verify at least one characteristic of tobacco products taken as samples, by which signals indicative of the at least one characteristic of the tobacco products are transmitted to the network (Abstract and fig. 1). Andrews also discloses the system comprising a processing and control unit associated with each production device and unit, wherein the signal indicative of the characteristic is relayed by the auxiliary inspection unit to the processing and control units as a prompt for corrective action, in such a way that the auxiliary inspection unit forms a part of at least one feed back control loop (column 2, lines 5-15 and figs. 2-3).

Regarding claim 2, Andrews discloses the auxiliary inspection unit comprises a detection apparatus capable in real time of verifying the characteristic of the product and relaying a signal indicative of the characteristic to at least one of the production devices (column 1, lines 9-23).

Regarding claim 3, Andrews discloses the signal indicative of the characteristic is relayed by the auxiliary inspection unit to the visual display means as a source of information (column 1, lines 9-23).

Regarding claim 5, Andrews discloses the auxiliary inspection unit comprises a relative signal processing and routing unit connected to the common interface network and to the master control units of the manufacturing line (see figs. 1-2).

Regarding claim 6, Andrews discloses the manufacturing line comprises two or more machines (column 2, lines 5-15).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews et al. (U.S Patent No. 5284164) in view of Draghetti (U.S Patent No. 5695070).

Regarding claim 7, although Andrews does not expressly disclose the automatic sampler/tester inspection unit comprises a device capable of transfer tobacco product

serving to select sample products, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a device to select sample products from the manufacturing line for testing purpose as taught by Draghetti (Abstract). Therefore, the reference of Andrews and Draghetti taken together as a whole teaches the inspection unit comprises a device to transfer selected tobacco products from the manufacturing line for testing purpose.

Regarding claim 8, Draghetti discloses the sample is quality controlled including correct alignment of the filter connecting strip (column 1, lines 14-21). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to connect the sampling device from the outfeed of the filter tip attachment machine so that the sample can be inspected for correct alignment of the filter connecting strip.

Regarding claim 9, Draghetti discloses the sampling device comprises conveyor means presenting single pockets, each serving to contain a tobacco product (see fig. 1 by reference sign 3).

Regarding claim 13, the combination of Andrews and Draghetti discloses the conveyor means follow a path but does not expressly disclose the orientation of a leg. However, the orientation of the leg is considered rearrangement of parts and would be obvious to one of ordinary skill in the art for lack of criticality (Also, see In re Japikse, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950)).

Allowable Subject Matter

Claims 10-12 and 14-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: Claim 10 contains features: " shifter means interposed between an outfeed roller of the filter tip attachment machine and the pocket conveyor means capable of movement between a first position and a second position in which a feed channel directing products onto the conveyor means is opened and closed, respectively". These features are not disclosed or suggested by the combination of the cited prior arts of Andrews (U.S Patent No. 5284164) and Draghetti (U.S Patent No. 5695070).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

Applicant's arguments filed 2/1/2011 have been fully considered but they are not persuasive.

Applicant essentially argues that the reference of Andrews does not disclose or suggest a common place where all the machines are connected for receiving signals as prompts for corrective action so that a corrective action can be applied to each machine that the products is depends upon. However, Andrews discloses a system as shown in figs. 2-3 wherein all the machines are connected to a central common place (computer

10, figs. 2 and 3) to send sensors signals and receiving corrective signals. Therefore, the system as disclosed by Andrew is capable of receiving all the sensor signals to a common computer and direct corrective signals back to the machines from the same computer to ensure desired specifications of the final output product.

Applicant further argues that claims 2-3 and 5-27 depend from claim 1 and are allowable for the same reasons as claim 1, however as explained above the disclosure of Andrews meet the claimed invention of claim 1 as recited.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHU H. NGUYEN whose telephone number is (571)272-5931. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

P.N 4/23/2011

/Christopher A. Fiorilla/
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